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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/730,633	12/06/2000	Hideo Shimazu	14133	9456	
23389	7590	03/01/2005	EXAMINER		
SCULLY SCOTT MURPHY & PRESSER, PC				CHUNG, JASON J	
400 GARDEN CITY PLAZA				ART UNIT	
SUITE 300				PAPER NUMBER	
GARDEN CITY, NY 11530				2611	

DATE MAILED: 03/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/730,633	SHIMAZU, HIDEO	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jason J. Chung	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 05 August 2004.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-18 is/are pending in the application.  
 4a) Of the above claim(s) 2,3,6-9,11,12 and 15-18 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1,4,5,10,13 and 14 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election without traverse of claims 1, 4, 5, 10, 13, 14 in the reply filed on 8/5/04 is acknowledged.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maeda (US Patent # 5,914,756) in view of Rubin (US Patent # 6,108,365) in further view of Thibadeau (US Patent # 5,432,542).

Regarding claim 1, Maeda discloses a television broadcasting station 102 broadcasts data to receiving apparatuses 103 (column 16, lines 19-28; figure 11), which meets the limitation on the preamble.

Maeda discloses the television broadcasting station 101 broadcasts television signals and information by relating regional ID number with the corresponding city office phone number (column 16, lines 39-49); the place and contact information reads on attribute and the regional ID number and phone number reads on attribute value, which meets the limitation on broadcasting station comprising means for broadcasting a broadcasting contents program formed from broadcasting a broadcasting contents program formed from broadcasting contents serving as data

of contents to be broadcast, a contents attribute having a pair of an attribute and an attribute value of the broadcasting contents. Maeda discloses the information item (execution program) is determined (whether to play back) in each district and includes news, guide, weather, emergency, etc. (column 16, lines 46-49), which meets the limitation on an execution program which describes a processing algorithm for determining whether to play back the broadcasting contents in the reception apparatus.

Maeda discloses the data broadcast receiving apparatuses 102 (reception unit) are preliminarily identified with ID numbers (column 16, lines 36-39). Maeda discloses the television signal is received and information is sent to the RAM 313 and both the ID number and corresponding city office phone number coinciding with the preliminarily stored ID number is placed in RAM 313 (column 16, lines 50-64), which meets the limitation on the reception apparatus comprising a reception unit for receiving the broadcast contents program and a user attribute storage unit for storing a pair of an attribute and an attribute value of a user.

Maeda discloses the television signal and information is sent to the RAM 313 and both the ID number and city office phone number coinciding with both the registered ID number is stored in RAM 313 (column 16, lines 50-64) and the television broadcast and information item are played (column 17, lines 20-23); the television broadcast (broadcasting contents) and information item (execution program) are inherently temporarily stored prior to presentation, which meets the limitation on an execution program storage unit, contents attribute storage unit, and broadcasting contents storage unit for respectively reading out and storing contents of the execution program, the contents attribute, and the broadcasting contents from the broadcasting contents program received by the radio reception unit.

Maeda the television broadcast and information item superposed on the television broadcast are played (column 17, lines 20-23), which meets the limitation on a playback unit for playing back the broadcasting contents.

Maeda discloses the televised broadcast with ID number, city phone number, and information item that coincide with the stored ID number are placed in RAM 313 (column 16, lines 50-63) and the receiver plays back local news (execution program), event, weather, etc. (column 17, lines 20-40), which meets the limitation on an execution program engine for referring to the attribute value of the contents attribute storage unit and the attribute value of the user attribute storage unit to interpret and execute the execution program stored in the execution program storage unit, and when the broadcasting contents are determined to be broadcast, transmitting the broadcasting contents stored in the broadcasting contents storage unit to the playback unit.

Maeda discloses the receiver is preliminarily identified with ID a number corresponding to a city office (column 16, lines 35-39). Maeda fails to disclose a current time acquisition unit...predetermined time interval and a current place acquisition unit **for detecting** the current place of a user and writing it into storage. Rubin discloses the set top box 12 receiver 36 includes GPS that enables location data to be received to determine the best satellite information received (column 8, line 38-column 9, line 11; figures 1 & 2), which meets the limitation on a current time acquisition unit...predetermined time interval, a current place acquisition unit **for detecting** the current place of a user and writing it into storage. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Maeda to include a current time acquisition unit...predetermined time interval, a current place acquisition unit **for**

**detecting** the current place of a user and writing it into storage as taught by Rubin to determine the best possible satellite information for the customer site so the user can update their receiver if they move or go on vacation in another location.

Neither Maeda nor Rubin discloses inputting attribute and attribute value information. Thibadeau discloses the receiver enables the user to enter information for updating the location of the receiver (column 14, lines 42-60), which meets the limitation on an attribute input unit for...user attribute storage unit. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Maeda in view of Rubin to include an attribute input unit for...user attribute storage unit as taught by Thibadeau so the user can update their receiver if they move or go on vacation in another location.

Regarding claim 5, the limitations in this claim have been met in claim 1 rejection.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 4, 10, 13, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Maeda (US Patent # 5,914,756).

Regarding claim 4, Maeda has met the limitations in this claim in claim 1 rejection.

Regarding claim 10, Maeda has met the limitations in this claim in claim 1 rejection.

Regarding claim 13, Maeda has met the limitations in this claim in claim 1 rejection.

Regarding claim 14, Maeda has met the limitations in this claim in claim 1 rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason J. Chung whose telephone number is (703) 305-7362. The examiner can normally be reached on M-F, 7:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (703) 305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JJC



A handwritten signature in black ink, appearing to read "Hai Tran". Below the signature, the name "HAI TRAN" is printed in a bold, sans-serif font, followed by the title "PRIMARY EXAMINER" in a smaller, all-caps sans-serif font.